

11CV4552

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS	DEFENDANTS
Securities Investor Protection Corporation	Bernard L. Madoff Investment Securities, LLC
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)
Jil Mazer-Marino, Meyer Suozzi, English & Klein, P.C. 990 Stewart Ave., Ste. 300, Garden City, NY (516) 592-5922	Attorneys for Trustee: Baker Hostetler LLP 45 Rockefeller Plaza, NY, NY 10111 (212) 589-4200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 USC 158(a)(1) Appeal from Bankruptcy Court Decision

Has this or a similar case been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
	PERSONAL INJURY	PERSONAL INJURY		
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 400 STATE REAPPORTIONMENT
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	[] 410 ANTITRUST
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 430 BANKS & BANKING
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 630 LIQUOR LAWS		[] 450 COMMERCE
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY	[] 640 RR & TRUCK		[] 460 DEPORTATION
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 650 AIRLINE REGS		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 152 RECOVERY OF DEFECTUAL STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 620 COPYRIGHTS	[] 480 CONSUMER CREDIT
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 690 OTHER	[] 630 PATENT	[] 490 CABLE/SATELLITE TV
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY		[] 840 TRADEMARK	[] 510 SELECTIVE SERVICE
[] 190 OTHER CONTRACT				[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 195 CONTRACT PRODUCT LIABILITY				[] 875 CUSTOMER CHALLENGE
[] 196 FRANCHISE	ACTIONS UNDER STATUTES			[] 880 OTHER STATUTORY ACTIONS
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		[] 881 AGRICULTURAL ACTS
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE	[] 710 FAIR LABOR STANDARDS ACT	[] 882 ECONOMIC STABILIZATION ACT
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	[] 525 20 USC 2255	[] 720 LABOR/MGMT RELATIONS	[] 883 ENVIRONMENTAL MATTERS
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 530 HABEAS CORPUS	[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 884 ENERGY ALLOCATION ACT
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY	[] 740 RAILWAY LABOR ACT	[] 885 FREEDOM OF INFORMATION ACT
[] 245 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER	[] 750 OTHER LABOR LITIGATION	[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
[] 290 ALL OTHER REAL PROPERTY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 761 IRS-THIRD PARTY 26 USC 7609	[] 950 CONSTITUTIONALITY OF STATE STATUTES
		[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS	

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Denise Cote DOCKET NUMBER 11-CV-5683

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2a. Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
| | <input type="checkbox"/> 2b. Removed from State Court AND at least one party is pro se. | | | | | |

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)**

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED <u>and</u> PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED <u>or</u> PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellant: Peter A. Carfagna Charitable Remainder Trust

c/o Jill Mazer-Marino, Esq.-Meyer, Suozzi, English & Klein, P.C., 990 Stewart Ave., Suite 300, Garden City, NY 11530
and Edward W. Cochran, Esq., 20030 Marchmont Road, Shaker Heights, OH 44122

Nassau County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC; Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE	SIGNATURE OF ATTORNEY OF RECORD	ADMITTED TO PRACTICE IN THIS DISTRICT
	 8/24/11	[] NO Sept 1991
RECEIPT #		<input checked="" type="checkbox"/> YES (DATE ADMITTED Mo. _____ Yr. _____) Attorney Bar Code # JM6470

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)